

REMARKS

Examination of the present application is respectfully requested. Applicant has withdrawn claims 1-40 without prejudice to their consideration in a continuing application.

Applicant elects Invention I with traverse for further examination. The claims readable on this selection are 41-55.

Applicant objects to the second Restriction Requirement of 13 March 2007. Applicant disagrees that claims 46-55 are correctly placed in class 198, subclass 334. In addition, Applicant disagrees that the inventions require a different field of search.

The Detailed Action states that claim 46-55 which are drawn to a method for conveying products are properly placed preliminarily in class 198, subclass 334. Subclass 334 pertains to a system "specialized to handle people." Further, subclass 334 is indented under subclass 321, which also pertains to devices for moving people from one location to another. For convenience, Applicant restates below the definition of subclass 334 as provided in the U.S.P.T.O. Manual of Classification:

334 By support means having a zone of varying speed: This subclass is indented under subclass 321. System wherein the means specialized to handle people includes a) a conveying means or an accessory therefore which is adapted to move at different rates at different points along its path of travel, or b) a system of plural conveying sections which operate at different speeds and which are arranged such that a passenger may move from one section to another.

321 CONVEYOR OR ACCESSORY THEREFOR SPECIALIZED TO CONVEY PEOPLE: This subclass is indented under the class definition. Devices wherein a conveying section is provided with structure which particularizes the section to move people from one location to another. Further included herein are the subcombinations peculiar to such sections, e.g., handrails, guards, etc.

The undersigned has performed a quick check of the patent titles in subclass 334, and it appears that all patents so classified pertain to movement of people. Therefore, the classification of claims 46-55 in subclass 334 is wrong.

In addition, Applicant respectfully requests with the statement in the Detailed Action that claims 46-55 require a different field of search than claims 41-55. Claims 41-55 have been preliminarily placed in class 198, subclass 461.1. Applicant presents below the definition of subclass 461.1 as presented in the U.S.P.T.O. Manual of Classification:

461.1 By successive conveyors having dissimilar speeds: This subclass is indented under subclass 459.1. Subject matter wherein a change in the spacing between the loads is effected during a passage of the loads from one portion of the carrier to the adjacent portion of the carrier, and the change is caused by a difference in the rate of movement of the carrier portions relative to each other. (emphasis added)

Applicant has underlined the portion of the definition of subclass 461.1 that states that it pertains to a change in spacing caused by a difference in the rate of movement of the carrier portions relative to each other. Applicant notes that claim 46 includes multiple conveying sections, with the second conveying section operating at a second speed less than the speed of the first section. It appears that claims 46-55 can be considered, at least in a preliminary matter, to be within subclass 461.1

Applicant requests that claims 46-55 be included with Invention I. Since there is no longer a requirement for different fields of search (as discussed in MPEP § 808.02), there is not a significant burden on the Examiner, even though these inventions are independent.

CLOSING

Applicant has elected Invention I with traverse for further examination and has presented specific reasons for the traverse. The claims readable on this selection are 41-55. Applicant respectfully requests examination of claims 41-55.

The undersigned welcomes a telephonic interview with the Examiner, if the Examiner believes that such an interview would facilitate examination of this application.

Respectfully submitted,

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